IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 649 OF 2006
IN
CRIMINAL APPEAL NO. 405 OF 2006

Kishor Laxman Dhengale ..Applicant
(Ori.Accused No.2)

versus

State of Maharashtra ..Respondents

Mr. P. R. Arjunwadkar for the Applicant - Original Accused No.2.

Mr. V. B. Konde-Deshmukh, APP for the Respondents - State.

CORAM : D. G. DESHPANDE, &
S. A. BOBDE, JJ.

DATE : 21ST JULY, 2006

P.C. :

1. Heard Advocate for the Applicant - Original Accused No.2 and learned APP for the State.

2. This application is filed by the applicant - original accused No.2, who is husband of the deceased. Another accused -i.e. aunt of the accused was granted bail, by us, in Criminal Application No. 437 of 2006 on 26.6.2006, on the

basis of the order of the Additional Sessions Judge, Solapur, dated 20.6.2005 wherein the Sessions Judge has noted that out of the four dying declarations, one made to the Special Judicial Magistrate was to the effect that the deceased Radha sustained accidental burns due to blast of stove / kerosene. Learned Advocate for the applicant states that during trial they had asked for the said dying declaration but the prayer was rejected. He also states that the applicant - accused was also on bail during the trial.

3. Therefore, this application is allowed. Applicant - accused be released on his furnishing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one or two solvent sureties in the like amount. Applicant - accused to attend the concerned police station once in a month in the first week of the month for a period of one year. Substantive sentence of the applicant - accused is suspended. Fine, if any, is to be paid by the applicant - accused, before he is released on bail. Application disposed of.

(D.G. DESHPANDE, J.)

(S.A. BOBDE, J.)